

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 42 and 57 have been amended. No claims have been canceled in this response (claims 5, 16-41, 46 and 61 were previously canceled). No new claims have been added in this response. No new matter has been added.

Claim Rejections

Independent claim 1 stands rejected under 35 U.S.C. § 103(a) based on Tso (U.S. Patent no. 6,088,803) in view of Takahashi et al. (European Patent App. No. 903901 A2). Applicant respectfully traverses the rejections.

Claim 1, as currently amended, recites:

1. (Previously presented) A method including
receiving a user request for an object maintained at a server;
selecting a cluster device from a plurality of cluster devices to perform an operation on the object according to a classification of the plurality of cluster devices, wherein the classification of the plurality of cluster devices is predetermined based on a performance criterion, and wherein each of the plurality of cluster devices is a separate device from the server;
upon a request from the server, performing the operation at the cluster device, said operation including accessing said object at said server and determining a result of processing said object at said cluster device; and
conditionally allowing access to said object in response to said user request based on said result.
(Emphasis added)

In contrast, Tso and Takahashi, individually or in combination, do not teach or suggest the above emphasized limitation of claim 1. Applicant appreciates the Examiner's acknowledgement that Tso does not teach or suggest selecting a cluster device from a plurality of cluster devices to perform an operation on the object according to a classification of the plurality of cluster devices based on a performance criterion (*see* Final Office Action mailed on 1/23/2007, page 3). The

Examiner, however, contends that Takahashi teaches a load balancing mechanism and that it would be obvious to a person in the art at the time the invention was made to modify the method in Tso to select a cluster device out of a plurality of cluster devices with the lowest current load condition.

One of the basic requirements of a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all of the claim limitations. MPEP §2143.

Tso does not teach or suggest the above emphasized limitation in claim 1 (as admitted by the Examiner). Neither does Takahashi teach or suggest the emphasized limitation. Takahashi discloses a load balancing mechanism which selects a server from a server farm based on the load conditions of the servers, not based on a predetermined classification of the servers. Thus, Takahashi does not teach or suggest selecting a cluster device from a plurality of cluster devices to perform an operation on the object according to a classification of the plurality of cluster devices, wherein the classification of the plurality of cluster devices is predetermined based on a performance criterion, such as recited in claim 1.

Thus, at least for the above reasons, claim 1 is not obvious in view of the cited prior arts (Tso and Takahashi). Therefore, claim 1 and all claims which depend on it are patentable over Tso and Takahashi.


Independent claims 42 and 57 each recites limitation similar to that discussed above for claim 1. For similar reasons, claims 42, 57 and all claims which depend on them are also patentable over Tso and Takahashi.

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If any additional fee is required, please charge Deposit Account No. 02-2666.

Respectfully submitted,
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